

REMARKS

In response to the Office Action dated November 17, 2005, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-35) are in condition for allowance.

The United States Patent and Trademark Office (the "Office"): (1) objected to the use of brackets with the claim numbering, (2) rejected claims 1, 2, 13, 15, and 32 under 35 U.S.C. § 112 as being indefinite and failing to particularly point out and distinctly claim the subject matter of the invention, (3) rejected claims 1, 12-15, 20, and 29-32 under 35 U.S.C. § 102(b) as being anticipated by Warburton et al. (U.S. Patent Application No. 2001/0003706), (4) rejected claims 2, 3, 9, 11, 16, 18, 19, 21, 22, 26, 28, 33, and 35 under 35 U.S.C. § 103(a) as being anticipated by Warbuton in view of Swan et al. (U.S. Patent No. 5,978,451), (5) rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Salazar (U.S. Patent No. 5,802,467), (6) rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Swan, further in view of Salazar, and (7) rejected claims 6-8 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Swan, further in view of Ikonen (U.S. Patent No. 6,473,078). The specification is amended to include the reference numeral "82" to overcome the objection to FIG. 5. The claims have been renumbered without the brackets and further amendments of the claims are made to overcome the rejections of the Office. Further, the Assignee shows that the currently pending claims point out and distinctly claim the subject matter of the invention and that the pending claims are not anticipated, nor obviated, by the cited art. Thus, the Assignee respectfully submits that the pending claims (claims 1-35) are ready for allowance.

Claim Numbering:

The Office objected to claims 1-35 "because of the following informality: the Claims are numbered [c01], [c02], . . . , instead of 1., 2.," Assignee amends the claim numbering in accordance with the preference by the Office, and respectfully requests that the objection to the claim numbering be withdrawn.

§112 Rejection:

In the Office Action, the Examiner rejected claims 1, 2, 13, 15, and 32 under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter of the invention. Office Action, p. 2. Assignee amend claims 1, 2, 13, 15, and 32 to more distinctly claim the subject matter of the invention. Accordingly, Assignee respectfully requests the Office to remove the § 112 rejection of amended claims 1, 2, 13, 15, and 32.

§102 and §103 Rejections:

The Office rejected claims 1, 12-15, 20, and 29-32 under 35 U.S.C. § 102(b) as being anticipated by Warburton et al. (U.S. Patent Application No. 2001/0003706), rejected claims 2, 3, 9, 11, 16, 18, 19, 21, 22, 26, 28, 33, and 35 under 35 U.S.C. § 103(a) as being anticipated by Warbuton in view of Swan et al. (U.S. Patent No. 5,978,451), rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Salazar (U.S. Patent No. 5,802,467), rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Swan, further in view of Salazar, and rejected claims 6-8 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Warburton in view of Swan, further in view of Ikonen (U.S. Patent No. 6,473,078). Assignee amends independent claims 1 and 20 and respective dependent claims 2-19 and 21-35 to overcome these rejections. The Assignee, then, respectfully requests the Office to remove the rejections to independent claims 1 and 20 and corresponding dependent claims 2-29 and 21-35. Further, Assignee respectfully asserts that claims 1-35 are in condition for allowance.

A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter “M.P.E.P.”). If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires “some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill”; 2)

there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Warburton* and the reference to the combination of *Warbuton*, *Swan*, *Salazar*, and/or *Ikonen* fails to fully disclose, teach, or otherwise suggest the subject matter of claims 1-35. Consequently, the cited references then, do not anticipate or obviate the claimed subject matter, and Assignee respectfully requests that the Office remove the rejections and allow these claims (claims 1-35).

Currently amended, independent claims 1 and 20 are reproduced below:

1. An automated telephone assistant device, comprising:

a base unit connecting at least one telephone jack to a network interface device, the network interface device in communication with a telephone network, the base unit executing a first algorithm disposed within the base unit, the first algorithm selectively communicating an incoming telephone call received from the telephone network to a selected telephone jack via the base unit, the base unit accessing one or more user-defined rules to select the telephone jack and to route the incoming communication to the selected telephone jack, the base unit further accessing another user-defined rule to prevent routing of the incoming communication to the selected telephone jack such that an idle, selected telephone jack maintains an on-hook state of a telephone line serving the telephone jack during communication of the incoming telephone call to the base unit.

20. An automated telephone assistant method, comprising:

providing a base unit connecting at least one telephone jack to a network interface device, the network interface device in communication with a telephone network;

accessing a first algorithm within the base unit, the first algorithm comprising one or more user-defined rules for selectively processing the incoming telephone call received from the telephone network, the one or more user defined rules comprising a user-defined selection rule to select the telephone jack, a user-defined routing rule to route the incoming telephone call to the selected telephone jack, a user-defined blocking rule to prevent routing of the incoming communication to the selected telephone jack such that an idle, selected telephone jack maintains an on-

hook state of a telephone line serving the selected telephone jack during communication of the incoming telephone call to the base unit;

executing the first algorithm;

if the user-defined rule comprises a routing instruction, then *selectively routing an incoming telephone call received from the telephone network to be routed to the selected telephone jack*; and

if the user-defined rule comprises a blocking instruction, then *selectively preventing the incoming telephone call received from the telephone network from being routed to the selected telephone jack*.

U.S. Patent Application No. 10/090,368 (emphasis added by Assignee).

The reference to *Warburton* and the reference to the combination of *Warbuton*, *Swan*, *Salazar*, and/or *Ikonen* do not anticipate nor do they obviate the claimed subject matter of claims 1-35. These references are entirely silent to (1) “a base unit connecting at least one telephone jack to a network interface device.” Furthermore, these references do not disclose, teach, or otherwise suggest (2) a *first algorithm selectively communicating an incoming telephone call received from the telephone network to the selected telephone jack via the base unit*, (3) *one or more user-defined rules to select the telephone jack and to route the incoming communication to the selected telephone jack*, and (4) *another user-defined rule to prevent routing of the incoming communication to the selected telephone jack such that an idle, selected telephone jack maintains an on-hook state of a telephone line serving the telephone jack during communication of the incoming telephone call to the base unit*. Therefore, Assignee respectfully requests the Office to remove these rejections and to allow claims 1-35.

CONCLUSION

All of the objections and rejections have been overcome. Further, none of the references cited by the Office, alone or in combination, disclose or suggest the claimed invention. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 1-35).

**REQUESTS FOR CONTINUED EXAMINATION AND EXTENSION OF TIME &
AUTHORIZATION FOR PAYMENT OF FEES**

Assignee respectfully requests continued examination (RCE) and an additional three month extension of time for this Amendment and Response to the November 17, 2005 Office Action. Assignee submits payment for the three month extension of time to respond to the November 17, 2005 Office Action from February 17, 2006 to the three month extension of May 17, 2006.

Description of Fee	Amount
Three Month Extension of Time Fee	\$1,020.00
Request for Continued Examination	\$790.00
Total	\$1,810.00

The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$1,810.00. If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 (office), (757) 784-1978 (cellular), or bambi@wzpatents.com.

Respectfully submitted,



Bambi F. Walters, Reg. No. 45,197
Attorney for Assignee
PO Box 5743
Williamsburg, VA 23188
Telephone: 757-253-5729

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